



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number June16-115RZ/F

Case Type Rezoning & Final Plat

Project Name Hillford Estates

Applicants Rebecca McMahonill and Brent Vanderford, also representing Steven D. McMahonill

Owners Rebecca and Steven D. McMahonill (*proposed Lot A & North portion of proposed Lot B Hillford Estates*)
15822 C Highway
Kearney, MO 64060

Brent Vanderford (*South portion of proposed Lot 2 B Hillford Estates*)
1502 Colony Drive
Kearney, MO 64060

Request **Rezoning & Final Plat** approval of Hillford Estates (A Replat of Lot 1 Three J's Acres and Lot 2 of Maples Addition 2005)

Application Submittal 2016-04-28

Public Notice Published 2016-05-19

Neighbor Letters Sent 2016-05-20

Report Date 2016-05-26

REPORT AUTHOR(S) Debbie Viviano, Planner
Kipp Jones, Manager

Recommendation Approved, with conditions



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General Information

Site Location:	Approximately 15822 C Highway Section 25 Township 53 Range 32
Site Size:	63.9 Acres
Existing Landuse & Zoning:	<u>Three J's Acres</u> , Lot 1 (41.93 Acres) – Planned Unit Development (PUD): Mixed Use-Agricultural, Residential, Commercial uses. <u>Maples Addition 2005</u> , Lot 2 (22.43 Acres)-Agricultural (AG)
Zoning/Platting History:	<u>Three J' Acres</u> , recorded 9/10/2002; <u>Maples Addition 2005</u> , recorded 4/05/2005
Surrounding Landuse & Zoning:	North – Agricultural (AG) Zoned Land, <u>C. Spurgeon Acres</u> (R-1) West – <u>Frick Estates</u> (R-1), Agricultural (AG) Zoned Land South – <u>CCC Estates</u> (R-1A), Agricultural (AG) Zoned Land, 92 Highway East – Agricultural (AG) Zoned Land, <u>Rock Creek</u> (R-1A)

Current Conditions:



Courtesy Clay County Assessor, GIS Mapping



Courtesy Microsoft® Bing™



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Assessment

Rebecca McMahonill and Brent Vanderford, representing Steven D. McMahonill, are requesting **Rezoning** approval from Agricultural (AG) district with a Planned Unit Development (PUD) overlay (mixed used-residential & commercial uses) to an Agricultural (AG) district and **Final Plat** approval for Hillford Estates (A Replat of Lot 1 of Three J's Acres and Lot 2 Maples Addition 2005). The property is located at approximately 15822 C Highway.

Rebecca and Steven McMahonill would like to sell the northwestern approximately 19.33± acres of their lot to Brent Vanderford, who owns Lot 2 of Maples Addition 2005, 22.43 acres. The purpose of the rezoning and replatting or reconfiguration is twofold. First is to sell the northwestern portion of the McMahonill's property to Mr. Vanderford. Second is to remove the PUD, because the business that existed when Three J's Acres was platted in the year 2002 no longer exists on the property.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER, and the northwestern portion of the proposed Lot B, Hillford Estates is within the Smithville Lake Watershed

The following tables illustrate the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1- dwelling unit per 20+ acres, or 1- farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ^(a)
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

^(a) On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
		Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

As such, the subject request complies with Option B-Exceptions for the 20 acre minimum lot size of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agriculturally zoned land surrounds the property in each direction. C. Spurgeon Acres (R-1) is to the north of the property. Frick Estates (R-1) is to the west. CCC Estates (R-1A) and 92 Highway are to the south. Rock Creek (R-1A) is to the East. [See Attachment B].

LDC Considerations

The review procedures and submittal content for Hillford Estates (A Replat of Lot 1 of Three J's Acres and Lot 2 of Maples Addition 2005) must follow the requirements in Section 151-3 of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request appears to substantially comply with the LDC. The rezoning application was properly noticed in the Kearney Courier on May 19, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent May 20, 2016.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (151-3.3 F):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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Outside Agency Review

The Missouri Department of Transportation has approved the replat of the properties due to the fact there will be no additional access granted to C Highway. The road surface of C Highway is an asphalt surfacing.

Public Water Supply District #6 of Clay County presently supplies water for of the proposed Lots. The Clay County Public Health Center has given final approval.

The Smithville Fire District serves this property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

Road Impact Fees (RIF) are not required, if the County Commission approves the following waiver of the Road Impact Fees (RIF) as stated in the Land Development Code (LDC) Section 151-9.13 (1):

The replatting of an existing subdivision for a boundary change or other change in which no new lots are platted;

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District with a Planned Unit Development (PUD) overlay to Agricultural (AG) District of **Hillford Estates** be **approved** subject to the petitioner addressing all the rezoning standards.

Staff recommends the **Final Plat** of **Hillford Estates** be **approved, with the conditions** as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) waiver approved by County Commission for the replatting/boundary change with no new lots created as stated in Section 151-9.13 (1) of the 2011 Land Development Code.
2. Any future structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
3. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with Hillford Estates (Case No: June 16-115RZ/F) with the above described utility easement shown as vacated on the recording copies of the Final Plat (*line for writing of BK. and PG*).
4. The following additions or corrections to the recording copies of the final plat:
 - a. **REMOVE FROM DIAGRAM:** HILLFORD MANOR-CHANGE TO: HILLFORD ESTATES



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- b. **CHANGE:** LOT A – to Lot 1 and LOT B – to Lot 2
- c. **IN SIGNATURE AREA ADD:** b to subscribed
- d. **DELETE:** 2nd signature line beside Brent Vanderford



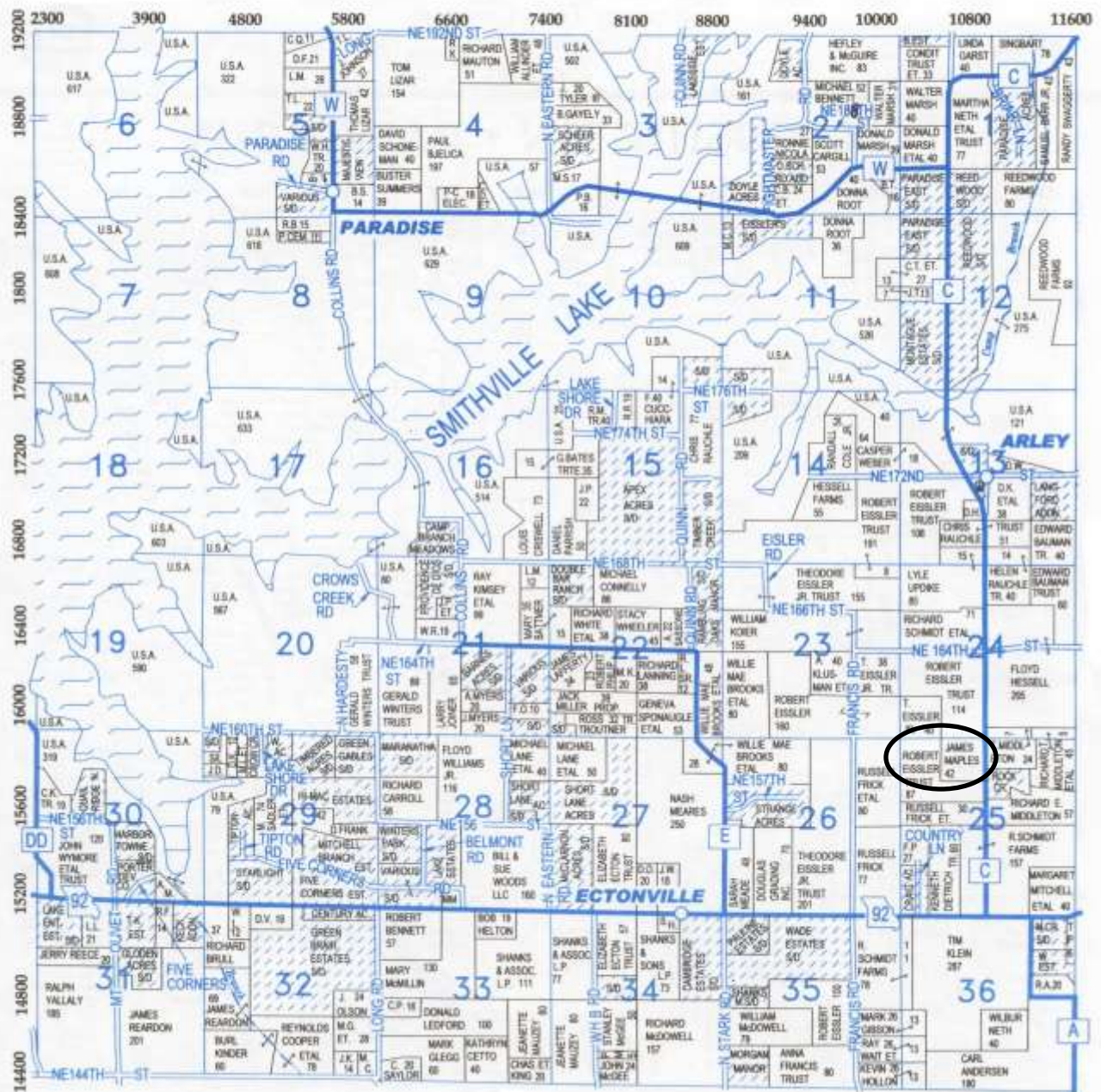
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Attachments

June 16-115RZ/F Hillford Estates Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 32W

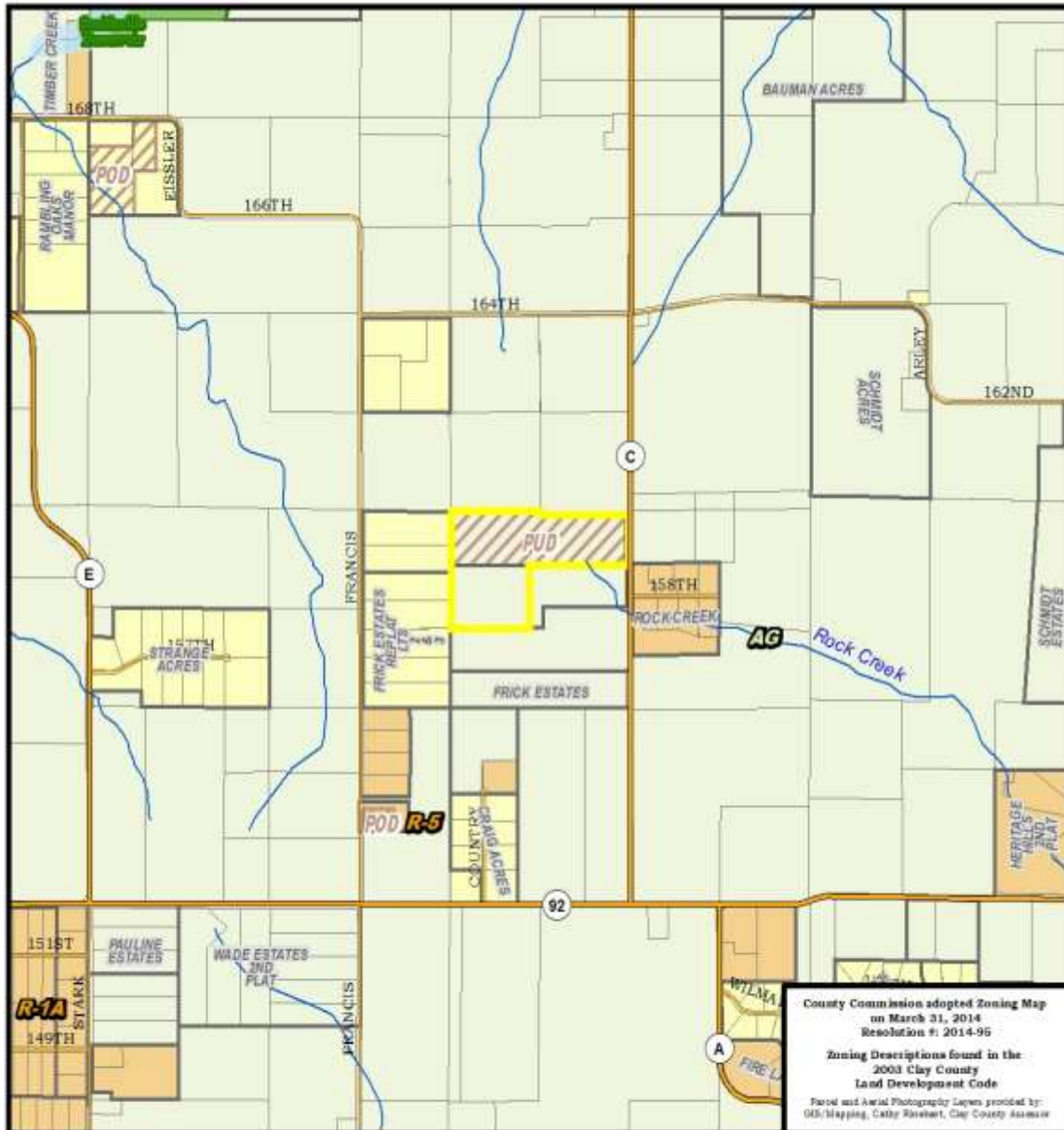




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June 16-115RZ/F – Hillford Estates Attachment B - Existing Conditions Map



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June 16-115RZ/F – Hillford Estates Attachment C - Site Plan Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photograph Layers provided by:
GIS Mapping, Cindy Ransburg, Clay County Assessor



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